Single Bench

(1) C.S. 100/- (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 268/2005

PETITIONERS

1. Sunil Kumar Patel S/o Shri Shyam Sunder Patel aged about 44 years, Assistant Teacher posted at Government Heigher Secondary School Nandeli, Dist. Raigarh (C.G.)
2. Arvind Kumar Patel S/o Shri HemCharan Patel aged about 44 years, Assistant Teacher posted at Government Heigher Secondary School Nandeli, Dist. Raigarh (C.G.)

C.R. No. 7/1/05
Presented by Shri A.S. Patel
dated 21-2-05

VERSUS

RESPONDENTS

1. State of chhattisgarh through Secretary, Educatyion Department, D.K.S.Bhawan, Raipur (C.G.).
2. The District Educatiion Officer, Raigarh, District Raigarh (C.G.).
3. The Principal of Government Higher Secondary School Nandeli, Tahsil & Dist. Raigarh (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. No. 968 of 2005

Petitioners : Sunil Kumar Patel & another

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri R.S. Patel, Advocate for the Petitioners.
Shri V.V.S. Moorthy, Dy. Advocate General with Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER

(9th October, 2006)

1. Learned counsel appearing for the petitioners submits that while working as Assistant Teachers/Upper Division Teachers, the petitioners have gone on training to improve their qualifications on their own expenses and acquired B.Ed./B.T.I Examination Certificate.

2. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination

Certificate on his own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

3. Learned counsel for the petitioners further submits that the facts and question of law involved in the present cases are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

4. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificates on their own expenses or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash